

EDWARD TEARNEY.

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MAY 16, 1910.—Ordered to be printed.

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Mr. SHACKLEFORD, from the Committee on Claims, submitted the following

ADVERSE REPORT.

[To accompany H. R. 4721.]

The Committee on Claims, to whom was referred the bill (H. R. 4721) for the relief of Edward Tearney, having considered the same, report thereon with a recommendation that it do not pass.

Appended hereto are letters from the War Department, which are made a part of this report.

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WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ORDNANCE,  
*Washington, April 27, 1910.*

Respectfully returned to the honorable the Secretary of War.

Under date of March 23, 1908, this office returned to the Secretary of War H. R. 15925, Sixtieth Congress, first session, which provided for the relief of Edward Tearney, having been introduced by the Hon. G. C. Sturgis, with the following remarks, viz:

"A thorough search of the records of this office fails to show that a claim was ever presented for its consideration covering services rendered by Mr. Edward Tearney in taking care of the United States armory property at Harpers Ferry, W. Va., from January 1, 1873, until November 1, 1875.

"The records disclose the fact that for some time prior to January 1, 1873, up to and including the latter part of May, 1877, the ordnance agent in charge of this property was Mr. Zodac Butt. Mr. Butt, as agent, collected the rents from the buildings that were occupied by tenants and made such repairs thereto, as he reported, from time to time, as being necessary, and which were approved by this office. These repairs were in every instance paid for by him from funds in his possession received from the rentals.

Mr. Butt died in May, 1877, and was succeeded by Mr. William Bilson, who, under instructions from this office, remained in care of the property, collecting the rents, and making necessary repairs, and paying for them, as was done by Mr. Butt. Mr. Bilson remained in charge of the property until it was finally disposed of by sale."

No further information than that given above can be found in the records of this office.

WILLIAM CROZIER,  
*Brigadier-General, Chief of Ordnance.*

WAR DEPARTMENT, *April 30, 1910.*

Respectfully returned to the chairman Committee on Claims, House of Representatives, inviting attention to the preceding indorsement hereon and to the accompanying report of the Quartermaster-General of the Army.

ROBERT SHAW OLIVER,  
*Assistant Secretary of War.*

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER-GENERAL,  
*Washington, April 23, 1910.*

SIR: I have the honor to return herewith copy of a bill (H. R. 4721, 61st Cong., 1st sess.) for the relief of Edward Tearney, authorizing the payment to him of the sum of \$2,401.09, in full compensation for services rendered in taking care of the United States armory property at Harpers Ferry, W. Va., from January 1, 1873, until November 1, 1875, and for repairs to and work done on said property, referred by the chairman of the Committee on Claims, House of Representatives, requesting to be furnished all facts and information concerning the matter in the possession of the department, also an opinion touching the merits of the claim.

The records of this office do not show that any officer of the Quartermaster's Department was on duty at Harpers Ferry, W. Va., during the years 1873 to 1875, inclusive, nor that the United States armory property at that place was in the care and custody of the Quartermaster's Department during those years.

There is no record found of the services of Edward Tearney in this office.

Respectfully,

J. B. ALESHIRE,  
*Quartermaster-General U. S. Army.*

The SECRETARY OF WAR  
(Through the Chief of Ordnance of the Army).

#### STATEMENT OF FACTS.

By authority of the act of Congress approved December 15, 1868, the Secretary of War sold the United States armory property at Harpers Ferry, W. Va., November 30 and December 1, 1869, on a credit of one and two years, taking bonds and security from the purchasers.

F. C. Adams bought the entire water power of the Potomac and Shenandoah rivers for \$206,000. (See p. 6, S. Rept. 556, 2d sess. 43d Cong., herewith filed.)

In 1870 he employed Edward Tearney, of Harpers Ferry, W. Va., to repair the stonework at the head of the canal or flume; it was necessary, to save the whole property. Mr. Tearney rendered a bill. (See a copy herewith and explanatory letter.)

F. C. Adams did not pay the United States Government for the property, and suit was brought against him and his sureties by the United States in the United States district court of West Virginia in July, 1873, and a decree had in September or October, 1873, for the sale of said property by N. Goff, as trustee, at a time to be fixed by future order of the court. (See p. 3, Senate Report aforesaid.) The property purchased by F. C. Adams, at \$206,000, was sold by N. Goff, trustee, in 1876, and the United States became the purchaser.

Mr. Tearney had in the meantime guarded the property and prevented thefts and depredations and October 16, 1876, filed his bill for pay. (See inclosure marked 3.)

The Attorney-General of the United States received the account October 17, 1876, and referred the same to the honorable First Auditor of the United States Treasury, who, on the 11th of November, 1876, allowed \$960 on said account and disallowed \$1,441.09. The papers were sent to the First Comptroller of the Treasury and there appear to have remained without action on them since.

Mr. Tearney made necessary repairs to the property at his own expense and guarded the property from loss and depredations. He has received no pay therefor from the United States or from any person, and now asks that H. R. 4961 and all papers therewith may be referred to the United States Court of Claims under the act of March 3, 1883, for examination and findings.

## DEPARTMENT OF JUSTICE,

*Washington, October 19, 1876.*

SIR: The claim of Edward Tearney, of West Virginia, amounting to \$2,401.09, presented to this department by you on the 16th instant, embraces two items of \$1,770 that need explanation. The department wishes to know the nature of the services of these items, and to have their value more clearly set forth.

Very respectfully,

ALPHONZO TAFT,  
*Attorney-General.*

W. LILLY, Esq.,  
*Attorney, etc., 1317 F street.*

To Edward Tearney, Dr.:

To guarding and protecting the property at Harpers Ferry, W. Va., known as the "musket factory," consisting of a canal, lock, lock gates, several buildings, lot of water wheels, loose bricks, iron, timber, cut stone, etc., from July 1, 1873, up to October 1, 1875, twenty-eight months, at \$45 per month .....	\$1, 260
Guarding and protecting the property at Harpers Ferry, W. Va., known as the "rifle factory," consisting of foundations, water wheels, and pipes, cut stone, quantity of sand, and shade trees, from January 1, 1873, to October 1, 1875, thirty-four months, at \$15 per month.....	510

The above property, owing to the character of the grounds and surroundings, is open to the depredations of thieves, and unless guarded all or a great part of it would be injured or carried off. The former guard, Mr. John Lashorn, received for his services, I am informed, \$67.50 per month.

EDW. TEARNEY.

CHARLESTOWN, *October 26, 1876.*

I am personally familiar with the condition of the government property at Harpers Ferry, and know the necessity and value of its being preserved from depredation. I am also satisfied that, taking into consideration the area over which this property is scattered and the degree of care essential to its proper guardianship, the prices charged in the foregoing account are fair and reasonable.

I make this statement at the request of Mr. Tearney, it being understood that some such verification of his service and the charges therefor is required by the Department of Justice.

Very respectfully,

JNO. BEAN HOGE,  
*Judge, Third Circuit, West Virginia.*

